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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/578,356

05/05/2006

Andreas Schrade

R.306806

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2119 7590 01/29/2009  
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EXAMINER

BASTIANELLI, JOHN

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

01/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/578,356 | <b>Applicant(s)</b><br>SCHRADE, ANDREAS |  |
|                              | <b>Examiner</b><br>John Bastianelli  | <b>Art Unit</b><br>3753                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7,8,11-14,17-20,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,8,11-14,17-20,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-8, 11-14, 17-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's cited prior art of Fig. 2 as evidenced by Yoshida et al. US 2003/0145819.

Applicant's cited prior art of Fig. 2 discloses everything but the pieces 11, 12, and 13 being an integral one-piece component. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multiple pieces of applicant's cited prior art of Fig. 2 into a single integral one-piece component, since it has been held that forming in one piece an article which has been formerly been formed in multiple pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Yoshida discloses both molding using a powder metallurgy process and sintering in order to manufacture components. The multifunctional

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component has the function of a check valve 10. The valve is used in a hydraulic system in a vehicle and in a brake system.

3. Claims 7-8, 11-14, 17-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's cited prior art of Fig. 2 in view of Kotchi et al. US 6,491,020 as evidenced by Yoshida et al. US 2003/0145819.

Applicant's cited prior art of Fig. 2 discloses everything but the pieces 11, 12, and 13 being an integral one-piece component. Kotchi teaches that making a member one-piece integrally molded that was previously multiple pieces is less labor intensive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multiple pieces of applicant's cited prior art of Fig. 2 into a single integral one-piece component as taught by Kotchi in order to make it less labor intensive. The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Yoshida discloses both molding using a powder metallurgy process and sintering in order to manufacture components. The multifunctional component has the function of a check valve 10. The valve is used in a hydraulic system in a vehicle and in a brake system.

4. Claims 7-8, 11-14, 17-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss et al. WO 0100473 A1 (US 6,644,623 used for translation) as evidenced by Yoshida et al. US 2003/0145819.

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Voss discloses a valve for controlling fluids having an actuating element 9 for closing and opening an opening, a restoring element 8 for restoring the actuating element to its outset (start) position, a movably disposed armature 13 which is movable by means of an armature coil (inherent), said actuating element being connected to the armature, a valve insert for guiding the actuating element, a valve body having the opening which is opened and closed and a throttle restriction (smaller than opening thus is a throttle restriction) associated with the opening, and a multifunctional component 3 and 7 which includes the functions of the valve insert, the valve body and the throttle in a single component (rigidly connected so is a single component). Voss lacks the component being an integral one-piece component. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multiple pieces of Voss into a single integral one-piece component, since it has been held that forming in one piece an article which has been formerly been formed in multiple pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Yoshida discloses both molding using a powder metallurgy process and sintering in order to manufacture components. The multifunctional component has the function of a check valve 10. The valve is used in a hydraulic system in a vehicle and in a brake system.

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5. Claims 7-8, 11-14, 17-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss et al. WO 0100473 A1 (US 6,644,623 used for translation) in view of Kotchi et al. US 6,491,020 as evidenced by Yoshida et al. US 2003/0145819.

Voss lacks the component being an integral one-piece component. Kotchi teaches that making a member one-piece integrally molded that was previously multiple pieces is less labor intensive. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the multiple pieces of applicant's cited prior art of Fig. 2 into a single integral one-piece component as taught by Kotchi in order to make it less labor intensive. The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Yoshida discloses both molding using a powder metallurgy process and sintering in order to manufacture components. The multifunctional component has the function of a check valve 10. The valve is used in a hydraulic system in a vehicle and in a brake system.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 7-8, 11-14, 17-20 and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

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7. The examiner would like to note that forming a single piece which was previously rigidly connected multiple pieces is a very minor modification and seen to be blatantly obvious to anyone skilled in the art.

8. The examiner would also like to note that the applicant changed the wording to “improvement comprising” so that anything mentioned before this is admitted by the applicant to being prior art (including the throttle restriction that the applicant is arguing) thus the applicant appears to be claiming to have invented making multiple pieces into a single piece.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-Th (8-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Bastianelli  
Primary Examiner  
Art Unit 3753

/John Bastianelli/  
Primary Examiner, Art Unit 3753